

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

SHAWN DRUMGOLD,)	C.A. NO. 04-11193NG
Plaintiff)	
)	
v.)	
)	
TIMOTHY CALLAHAN,)	
FRANCIS M. ROACHE, and)	
THE CITY OF BOSTON)	
Defendant(s))	
)	

PLAINTIFF'S MOTION TO AMEND COMPLAINT

Now comes the Plaintiff in the above entitled matter and moves this Court to allow him to file the attached Amended Complaint. In support thereof, Plaintiff says:

1. The amendments are to Paragraph 11 and to the "Wherefore" clause in the Complaint. The original Defendants Walsh and Murphy have also been removed from the Complaint.
2. The proposed amendment conforms the Complaint to the evidence at both trials. It specifically alleges that Plaintiff suffered physical injuries as a result of his wrongful incarceration. This is consistent with his testimony at both trials.
3. The "Wherefore" clause is amended to specifically allege damages as a result of physical injuries suffered by the Plaintiff. If the Plaintiff proves that he suffered physical injuries as a proximate result of a violation of his civil rights by the Defendants, he is entitled to compensation for physical injuries. Ruiz v. Gonzalez Caraballo, 929 F.2d 31 (1st Cir. 1991).

WHEREFORE Plaintiff moves this Court to allow him to file the attached Amended Complaint.

Respectfully submitted,

By His Attorneys,

/s/ Michael Reilly

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CERTIFICATE OF CONFERENCE

I, Michael W. Reilly, hereby certify that on April 7, 2014, I conferred with Joseph L. Tehan, Counsel for Defendant Timothy Callahan, who indicated that the Defendants had no objection to the Motion.

/s/ Michael W. Reilly
Michael W. Reilly

CERTIFICATE OF SERVICE

I, Michael W. Reilly, attorney for the Plaintiff, Shawn Drumgold, hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on April 14, 2014.

/s/ Michael W. Reilly
Michael W. Reilly